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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,341	10/31/2001	Varda Treibach-Heck	Call-Tell MP	5260
7590 Varda Treibach-Heck Reportee 843 Lakeshore Drive Redwood City, CA 94065-1738			EXAMINER SHEIKH, ASFAND M	
			ART UNIT 3627	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			01/26/2007	
			DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/003,341	TREIBACH-HECK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Asfand M. Sheikh	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

### *Amendment*

The amendment dated 17-Nov-2006 has been entered. Claims 1 and 3-6 are pending. No amendments were made to any of the claims.

The Examiner maintains the same grounds of rejection, as found in the previous rejection dated 18-Sept-2006. This action has been made final.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 4, 5, and 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spurgeon United States Patent 6,088,677 in view of Tran United States Patent 5,991,742.

As per claim 1, Spurgeon discloses automatically, that is, independent of any required human intervention: i) receiving

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over a transmission channel an electronic representation of an image of a physical form that embodies a report concerning at least one parameter from at least one sender, the form having a plurality of data fields each corresponding to an indicator of at least a partial value of at least one of the parameters; ii) identifying the location of the data fields in the received representation of the image of the form; and iii) both extracting report data from the report and storing the extracted report data in a predetermined common format in a memory for subsequent processing (col. 6, lines 26-30 and line 67 and col., 7 lines 20-25 and lines 32-36; FIG. 5 and FIG. 9; Examiner interprets (based on Applicants Specification page 27, paragraph 26) the cited figures represent an electronic representation of an image of a physical form that embodies a report. Further the Examiner interprets the cited figures contain a plurality of data fields which are extracted and stored in a common format); for at least one third party, storing a set of party-specific rules in the memory (col. 6, lines 34-58; col. 7, lines 66-67; and col. 8, lines 1-3; Examiner interprets "client also uses this application as a subscribing device to order customized information" to be party-specific rules. Further the Examiner interprets "provider" and/or "insurer" to be a third party); associating the received report with the corresponding third

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over a transmission channel an electronic representation of an image of a physical form that embodies a report concerning at least one parameter from at least one sender, the form having a plurality of data fields each corresponding to an indicator of at least a partial value of at least one of the parameters; ii) identifying the location of the data fields in the received representation of the image of the form; and iii) both extracting report data from the report and storing the extracted report data in a predetermined common format in a memory for subsequent processing (col. 6, lines 26-30 and line 67 and col., 7 lines 20-25 and lines 32-36; FIG. 5 and FIG. 9; Examiner interprets (based on Applicants Specification page 27, paragraph 26) the cited figures represent an electronic representation of an image of a physical form that embodies a report. Further the Examiner interprets the cited figures contain a plurality of data fields which are extracted and stored in a common format); for at least one third party, storing a set of party-specific rules in the memory (col. 6, lines 34-58; col. 7, lines 66-67; and col. 8, lines 1-3; Examiner interprets "client also uses this application as a subscribing device to order customized information" to be party-specific rules. Further the Examiner interprets "provider" and/or "insurer" to be a third party); associating the received report with the corresponding third

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party (col. 7, lines 66-67 and col. 8, lines 1-3); and associating at least one fourth party with the sender and with at least one of the third parties (col. 6, lines 34-58; col. 7, lines 66-67; and col. 8, lines 1-3; Further the Examiner interprets "provider" and/or "insurer" to be a third party); in which the third party is an agency that communicates with the central computer system using an agency computer system (col. 6, lines 34-58; col. 7, lines 52-54 and lines 66-67; and col. 8, lines 1-3); the fourth party is a client of the agency and communicates with the central computer system using a client computer system, the agency and client being contractually related entities (col. 6, lines 34-58; col. 7, lines 52-54 and lines 66-67; and col. 8, lines 1-3), the sender is a person referred by the agency to the client and performs work tasks for the client (col. 6, lines 34-58; col. 7, lines 52-54; and lines 66-67; and col. 8, lines 1-3); and further comprising via a publicly accessible transmission network, receiving access requests from the agency and the client sent through their respective computer systems for portions of the extracted report data defined according to the respective party-specific rules, and responding to the access requests by returning the requested report data to the agency and client, respectively, including automatically, that is independent of any required human

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intervention, completing any requests for interactive and iterative review, modification, or annotation, inclusive of the report data by the agency and client according to each party's respective rules; whereby the central computer system is an intermediary system between the sender on the one hand and the agency and client on the other hand and exposes different interface to the sender, agency and client (col. 6, lines 36-30; col. 7, lines 30-25; col. 8, lines 52-67; and col. 9, lines 30-36 and lines 40-45), converting the extracted report data into a format specified by the rules associated with that third party, whereby third parties operating different hardware platforms and processing software may receive and process extracted report data from the same memory within the central computer system (col. 6, lines 34-58; col. 7, lines 20-36; and col. 9, lines 40-45); transferring a copy of the extracted report data to the third party via the network, whereby the transferred data resided at and is available for processing by the third party (col. 6, lines 34-58; col. 7, lines 20-36; and col. 9, lines 40-45);

Spurgeon fails to explicitly disclose the at least one parameter includes time worked by the sender on behalf of the client.

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However Tran discloses parameter includes time worked by the sender on behalf of the client (col. 3, lines 11-15).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Spurgeon to include parameter includes time worked by the sender on behalf of the client as taught by Tran. One of ordinary skill would have been motivated to combine the teachings in order to provide accurate work related charges, with less errors due to incorrect data entry and/or misreading of a users hand writing (col. 3, lines 15-17).

**As per claim 3**, Spurgeon discloses storing the extracted report data in the memory in a predetermined common format; before transferring the extracted report data to any third party, converting the extracted data into a format specified by the rules associated with that party, whereby their parties operating different hardware platforms and processing software may receive and process the extracted report data form the same memory within the central computer system (col. 6, lines 34-58; col. 7, lines 20-36; and col. 9, lines 40-45).



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As per claim 4, Spurgeon fails to explicitly disclose further comprising the step of storing in the memory third-party annotations associated with the extracted report data.

However Tran discloses further comprising the step of storing in the memory third-party annotations associated with the extracted report data (col. 18, lines 15-16).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Spurgeon to include further comprising the step of storing in the memory third-party annotations associated with the extracted report data as taught by Tran. The motivation to combine is the same as claim 1, above.

As per claim 5, Spurgeon disclose receiving from a third party, a confirmation or rejection indication relating to at least a portion of the extracted, stored report data, and upon receipt of the rejection indication, directing the sender to resubmit a corrected report (col. 10, lines 29-47; Examiner interprets "initiation of payment" to be a confirmation if the data is correct).

As per claim 6, Spurgeon discloses storing an image of the report as received; via the network, allowing access by the

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third party to the image, whereby the third party is able to confirm the accuracy of the extracted report data (col. 6, lines 34-58; col. 7, lines 20-36; and col. 9, lines 15-29 and lines 40-45; FIG. 5 and FIG. 9; Examiner interprets (based on Applicants Specification page 27, paragraph 26) the sited figures are electronic representations of the forms and are stored accordingly as electronic representation of the data in the database and are viewed accordingly when extracted).

#### ***Response to Arguments***

3. Applicant's arguments filed 17-Nov-2006 have been fully considered but they are not persuasive.

With respect to claim 1, the applicant argues the Spurgeon lacks "automatically, that is, independent of any required human intervention: i) receiving over a transmission channel an ***electronic representation of an image of a physical form*** that embodies a report..." (REMARKS, bottom of page 2 through page 4). The Examiner disagrees.

The examiner notes that Spurgeon teaches "automatically, that is, independent of any required human intervention: i) receiving over a transmission channel an ***electronic representation of an image of a physical form*** that embodies a

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report..." (Spurgeon, see at least, col. 4, lines 2-8, col. 4, lines 55-61, col. 6, lines 26-30 and line 67 and col., 7 lines 20-25 and lines 32-36; FIG. 5 and FIG. 9). The examiner notes that Spurgeon teaches an electronic representation of an image of a physical form (Spurgeon, see at least, FIG. 5-8) in which the form is translated, reformatted and transmitted via push technology (Spurgeon, see col. 4, lines 2-8; Examiner further notes Spurgeon recites this is an "automatic exchange"). The examiner notes that this is an automatic exchange.

The Examiner further notes the applicant is arguing features not found in the claim limitations (e.g. automatic receipt of an image via a fax machine). The examiner notes if these features are of importance the applicant should positively recite these limitation(s) within the claim. Further the examiner notes during patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification," further the examiner notes claims of issued patents are interpreted in light of the specification, but during examination, prosecution history, prior art, and other claims, must be interpreted as broadly as their terms reasonably allow (MPEP 2111). Thus, the Examiner interprets Spurgeon to teach "automatically, that is, independent of any required human intervention: i) receiving

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over a transmission channel an **electronic representation of an image of a physical form** that embodies a report...". The Examiner did provide a prima facie case of obviousness: motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

With respect to claim 1, the applicant argues the Spurgeon lacks "...automatically, that is independent of any required human intervention, completing any requests for interactive and iterative review, modification, or annotation, inclusive of the report data by the agency and client according to each party's respective party-specific rules..." (REMARKS, top of page 4 through page 5). The Examiner disagrees.

The examiner notes that Spurgeon teaches "...automatically, that is independent of any required human intervention, completing any requests for interactive and iterative review, modification, or annotation, inclusive of the report data by the agency and client according to each party's respective party-specific rules..." (Spurgeon, see at least, col. 6, lines 36-30; col. 7, lines 30-25; col. 8, lines 52-67; and col. 9, lines 30-36 and lines 40-45). The examiner notes Spurgeon teaches that if there is data entry error (Spurgeon, see at least, col. 9,

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lines 20-25) a modification is performed and with the data and then client application will push the changed information via push technology (Spurgeon, see col. 4, lines 2-8; Examiner further notes Spurgeon recites this is an "automatic exchange"). The examiner notes that this again is an automatic exchange.

The Examiner did provide a prima facie case of obviousness: motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

**With respect to applicants comments directed to Prosecution History,** The examiner has reviewed the prosecution history and apologizes for the jump in examiners during prosecution. Further before a case can be allowed an updated search must be performed. The examiner examining the case, performed an updated search, found a new reference, and has applied the reference.

#### **Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ams

23-Jan-07

Asfand M Sheikh  
Examiner  
Art Unit 3627

 1/23/07  
F. RYAN ZEENDER  
PRIMARY EXAMINER